

the 8 day of October, 2003  
TESTE: LILLIE M. HART, CLERK 3:50pm  
By [Signature] D.C.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA

v

CASE NOS. CR 03-3089, CR 03-3090 &  
CR 03-3091

LEE BOYD MALVO

Defendant.

**NOTICE AND MOTION TO DECLARE RULE 3A:11 UNCONSTITUTIONAL**

COMES NOW the defendant, Lee Boyd Malvo, by counsel, and moves this court on October 22, 2003, at 10:00 o'clock a.m., or as soon thereafter as counsel may be heard, to declare Rule 3A:11 of the Rules of the Virginia Supreme Court unconstitutional. In support thereof, the defendant relies on the memorandum, filed in conjunction with this motion.

Respectfully Submitted  
LEE BOYD MALVO

By \_\_\_\_\_  
Co-Counsel

By \_\_\_\_\_  
Co-Counsel

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**CERTIFICATE OF SERVICE**

8<sup>th</sup> I HEREBY CERTIFY that a true copy of the foregoing was hand delivered, this  
8 day of October, 2003, to Robert F. Horan, Esquire, Commonwealth's Attorney, 4110 Chain  
Bridge Road, #123, Fairfax, Virginia 22030.

- Michael S. Arif —